

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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|----------------------------|---|-------------------------------|
| IN RE PHARMACEUTICAL |) | |
| INDUSTRY AVERAGE |) | |
| WHOLESALE PRICE LITIGATION |) | MDL No. 146 |
| |) | |
| THIS DOCUMENT RELATES TO |) | CIVIL ACTION: 01-CV-12257 PBS |
| ALL CLASS ACTIONS |) | |
| |) | Judge Patti B. Saris |
| |) | Chief Magistrate Judge |
| |) | Marianne B. Bowler |

DECLARATION OF SCOTT ALAN GEORGE, ESQUIRE

Scott Alan George, Esq., pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am an attorney with the firm Sheller, Ludwig & Badey, P.C. or Philadelphia, Pennsylvania and one of the counsel coordinating discovery on behalf of Plaintiffs in this litigation with third party wholesalers Cardinal Health, Inc., McKesson Corp., and Amerisource Bergen Corp. (collectively referred to herein as "the wholesalers"), the three largest pharmaceutical wholesalers in the United States

2. Among the documents requested through the subpoena served on each of the wholesalers are documents that relate to the role the wholesalers play in establishing the Actual Wholesale Prices published by First Data Bank and other pricing publishers.

3. During the course of the meet and confers with each of the wholesalers, each wholesalers has repeatedly stated to me that it plays no role in the Actual Wholesale Pricing surveys conducted by First Databank or any other pricing publisher, and plays no other role in setting the Actual Wholesale Prices published by these publishers.

4. Review of the documents produced by the wholesalers to date has confirmed this representation. No documents demonstrate any role that the wholesalers play in establishing the Actual Wholesale Prices published by First Data Bank or any other pricing publisher.

I declare the foregoing to be true under the penalty of perjury.

Philadelphia, Pennsylvania
September 9, 2004

By 

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